

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION**
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**CASE MANAGEMENT
ORDER #55**

This document relates to:

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

All Cases
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SHIRA A. SCHEINDLIN, U.S.D.J.:

This Order memorializes the rulings made during the status conference held on October 29, 2009.

1. In the *Commonwealth of Puerto Rico* case, plaintiff shall provide defendants, no later than November 12, 2009, with a covered person list. If that list is incomplete as of that date, plaintiff shall supplement it on a timely basis.
2. In the *New Jersey* and *Commonwealth of Puerto Rico* cases, the parties shall provide a joint discovery schedule, or competing schedules, by the January 7, 2010 status conference. The parties should be prepared to discuss the selection of focus sites at that conference.
4. In the *Crescenta Valley Water District* case, the parties shall meet and confer to propose a full discovery schedule no later than November 30, 2009. If the

parties cannot agree to a schedule, they shall identify their disputes and meet with Special Master Ken Warner no later than December 14, 2009.

5. In the following 27 cases, plaintiffs are represented by the firm of Weitz & Luxemberg, and Getty Properties Corporation is either the sole or one of the few remaining defendants: *County of Nassau; Water Authority of Western Nassau; Our Lady of Rosary Chapel; American Distilling and Manufacturing Co.; Town of East Hampton; United Water CT; Town of Duxbury; New Jersey American Water Co.; Water Authority of Great Neck North; Long Island Water Corp.; Patrick Country School Board; Town of Hartland; Town of Wappinger; United Water New York Inc.; Village of Pawling; Port Washington Water District; Incorporated Village of Sands Point; Buchanan Country School Board; Craftsbury Fire District #2; Town of Matoaka; Hicksville Water District; Roslyn Water District; Franklin Square Water District; County of Suffolk; Northampton Bucks County Municipal Authority; Greenville County Water; City of Vineland Municipal Utilities Authority.* In these cases, the parties are encouraged to continue negotiations but discovery shall proceed with the goal of selecting a trial date. The parties shall report their progress at the January 7, 2010 status conference.

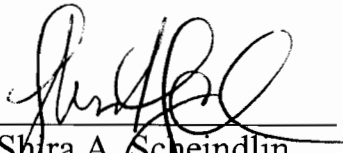
6. In the *City of Riverside, Quincy Community Services District, California American Water Co.*, and *Silver* cases, the parties shall provide the Court, no later than November 20, 2009, with an update on the status of these cases.
7. In the *Orange County Water District* case, defendants are granted leave to depose a corporate representative of plaintiff. The deposition shall be directed at understanding the general ripeness criteria used by plaintiff and may also include a detailed inquiry into the application of that criteria to one site in each of the three contested categories discussed at the October 29, 2009 status conference. Defendants shall inform plaintiffs, no later than November 12, 2009, as to which three sites will be the subject of detailed inquiry. The deposition will be conducted on or before November 30, 2009.
8. In the *Orange County Water District* case, the parties are also ordered to meet and confer within the next sixty (60) days to agree upon the number of focus plumes for trial. The parties shall provide a joint discovery schedule, or competing schedules, addressing all remaining fact discovery by the January 7, 2010 status conference.
11. In the *Redwood Center* case, general discovery shall not begin until the statute of limitations issue is resolved. Discovery relating to the statute of limitations shall take place within the next sixty (60) days, and the parties

shall either reach an agreement settling the statute of limitations issue or be ready to set a briefing schedule at the January 7, 2010 status conference.

12. In the *Tampa Bay Water*, *City of Crystal River*, *City of Inverness Water District*, and *City of Homosassa* cases, the parties shall complete the deposition of a corporate representative of Gulf Oil Limited Partnership and any related document discovery no later than November 30, 2009. The deposition and document discovery shall be limited to the issue of whether Gulf Oil Limited Partnership has or had any involvement with the Florida gasoline market. After discovery is completed, Gulf Oil Limited Partnership is granted leave to file a motion for summary judgment if the issue is not settled by agreement.
13. In the *Village of Hempstead* and *West Hempstead Water District* cases, the parties are ordered to meet with Special Master Warner to agree on a discovery schedule that is consistent with this Court's intention of setting a trial date for June or July of 2010. The parties are directed to continue settlement negotiations and are encouraged to meet with a neutral mediator if the parties are unable to reach a settlement on their own.
14. In the *Village of Hempstead* and *West Hempstead Water District* cases, the issue of whether Mr. Granger's communications, in his capacity as a

litigation consultant, are privileged is referred to Special Master Warner. Plaintiffs will provide Special Master Warner with the redacted and unredacted copies of the allegedly privileged correspondence previously supplied to Special Master Ronald Hedges.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
November 04, 2009

-Appearances-

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